

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2495.

(Given pursuant to section 4 of the Food and Drugs Act.

U. S. v. Herman Fuchs. Plea of guilty. Sentence suspended.

ADULTERATION AND MISBRANDING OF STRAWBERRY FLAVOR.

On February 4, 1913, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Herman Fuchs, New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, on March 16, 1911, from the State of New York into the State of New Jersey, of a quantity of strawberry flavor which was adulterated and misbranded. The product was labeled: "Strawberry Flavor. Guaranteed under the Food and Drugs Act, June 30, 1906. Serial Number 6492. H. Fuchs, Importer, Manufacturer and Dealer in Fine Essential Oils and Flavoring Extracts . . . 173 West Broadway Cor. Worth Street New York Telephone 5749 Franklin."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Alcohol, by volume, 19.9 per cent; sucrose by Clerget, 19.5 per cent; ash, 0.07 per cent; P_2O_5 in ash, trace only; volatile esters as ethyl acetate, 0.55 per cent; odor of geraniol after saponification; colored with a red analine dye (disazo); the product is almost entirely artificial. Adulteration of the product was alleged in the information for the reason that a substance other than strawberry flavor, to wit, a substance composed chiefly of water, alcohol, sugar, and artificial esters, colored by an analine dye, had been substituted wholly for the genuine strawberry flavor, and further in that the product was colored with the said analine dye so as to imitate the color of strawberries, and in a manner whereby its inferiority was concealed. Misbranding was alleged for the reason that the label set forth above regarding the product and the ingredients and substances contained therein was false and misleading and said product was labeled as aforesaid so as to deceive and mislead the purchaser thereof, in that the label would

indicate that it was a true strawberry flavor, whereas in truth and in fact it was not a true strawberry flavor but was an imitation of strawberry and consisted for the most part of water, alcohol, sugar, and artificial esters, colored by means of an analine dye.

On March 3, 1913, the defendant entered a plea of guilty to the information and the court suspended sentence.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 6, 1913.*

2495

